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Petition to withdraw Holding of Abandonment

Attn Office of Petitions,

My name is Roen Prince Branham and I filed patent application number 10/820,940 titled "Method and system for connecting publishers with subscribers through an intermediate server and a user installed application" (Publication App NO. 20050234917). The present abandonment of the Patent application was not intended and I am hereby petitioning to the director as set forth in rule 1.181 (1.181 petition to the director) and I have enclosed necessary proof to show that the Office action was responded to in a timely manner.

I received an Office Action Summary notification from my examiner "Paul Kim" Postmarked October 26, 2006. Being a small entity I contacted Mr. Kim numerous times for scheduled phone interviews with regards to the Office Action and two official phone interviews were performed on March 6, 2007 and April 25, 2007. I was told by Mr. Kim that as long as the Response to the Office Action was mailed by the day it was due the response would be accepted. I have enclosed a copy of the return receipt indicating the response was received by the Patent Office on April 30, 2007 which is 4 days after the due date which includes the maximum allowed extension of 6 months. Included in the 4 day delivery time is a Saturday and Sunday whereby the response could not have been accepted by the Patent office so it is clear that the response was mailed on or before the due date. Unfortunately the post office informed me that they are unable to provide a copy of the receipt due to different logistics systems but as mentioned the USPTO stamped received receipt is enclosed. Within my response was the actual response along with the extension form and a check for \$510 covering the extension fee. The check for \$510 was accepted and cashed however the response was rejected as being late by "Apu Mofiz" the supervisory Patent Examiner. I have enclosed copies of the USPTO stamped received return receipt, telephonic interviews, the original response to the Office Action Summary, and the abandonment notice. I hereby request that the State of abandonment be lifted and the Patent Application be placed back in the pending state for further review.

Regards,

Roan Prince Branham

1252 East 38<sup>th</sup> Street

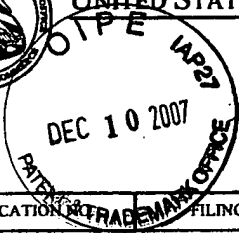
Brooklyn, NY 11210

(718) 469-2637



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United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,940	04/09/2004	Roen Prince Branham		9705

7590  
Roen Branham  
1252 East 38th Street  
Brooklyn, NY 11210

07/31/2007

EXAMINER
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KIM. PAUL

ART UNIT	PAPER NUMBER
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2161

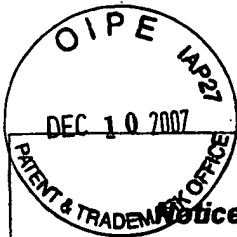
MAIL DATE	DELIVERY MODE
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07:31:2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



### Notice of Abandonment

Application No.

10/820,940

Examiner

Paul Kim

Applicant(s)

BRANHAM ET AL.

Art Unit

2161

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 26 October 2006.
  - (a) ☒ A reply was received on 30 April 2007 (with a Certificate of Mailing or Transmission dated 30 April 2007), which is after the expiration of the period for reply (including a total extension of time of 6 month(s)) which expired on 24 April 2007.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☒ A reply was received on 24 April 2007 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

The reply received on 24 April 2007 comprising proposed amendments is considered an unofficial/proposed response. Additionally, Applicant's official response on 30 April 2007 was 5 days late. Accordingly, the Application is abandoned.

APU MOFZ  
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

☐ Agent☐ Addressee

## B. Received by (Print Name)

## C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

## 2. Article Number

(Transfer from service label)

7007 0220 0004 1336 1006

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



OPT 2 OPT INC

Consolidated  
Statement of Account  
Account Number 705-70213-8April 24, 2007 - May 22, 2007  
Page 2 of 3

BUSINESSEXTRA 1 705-70213-8 BOWLING GREEN OFFICE (CONTINUED)

DATE POSTED	DESCRIPTION OF TRANSACTIONS	CHECKS AND OTHER SUBTRACTIONS	DEPOSITS AND OTHER ADDITIONS	BALANCE
05/02/07	57SEND FED SOVEREIGN BANK*BNF:ROEN P BRANHAM,USA*BBI:/ACC/OLRS TRAN ABA 226071211 ATN 23 NEWKIRK PLAZA BRO OKLYN NY 11226*RPFEDSEQ:B1Q8983C003061*TIME:1017*YR REF: TT84803512200031*MMB REF:122068159	1,670.00		
05/02/07	57SEND FED BANK OF AMERICA, N*BNF:MARIA E FRANGELLO MCDA NIEL,34743 USA*BBI:/ACC/OLRS TRAN ABA 063000047 ATTN 700 CELEBRATION AVE CELEBRATION FL 34747 USA*RPFEDSEQ:B1Q89 83C003019*TIME:1004*YR REF:TT84803512200032*MMB REF:1220 68160	1,232.00		
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05/02/07	CASH DISBURSEMENT 3003MERCH SRVICE-APREOMFEES 3003MERCH AprEOMFees 544068076200195	10.30		
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05/04/07	CHECK #0656	510.00		
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05/10/07	CASH DISBURSEMENT 3003MERCH SRVICE-DAILY DISC 3003MERCH Daily Disc 544068076200195	17.71		-336.06
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05/16/07	CHECK #0659	40.00		-409.06
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05/17/07	CHECK #0660	33.00		
05/18/07	CASH CONCENTRATION AMERICAN EXPRESS-SETTLEMENT AMERICAN SETTLEMENT 6311465249		1,000.00	
05/18/07	SERVICE CHARGE FOR INSUFFICIENT FUNDS FOR ITEM(S) POSTED ON 05/17/07 THAT WERE PAID: 1 ITEM(S)	33.00		
05/18/07	57SEND FED SOVEREIGN BANK*BNF:ROEN P BRANHAM,11210 USA*B BI:/ACC/OLRS TRAN ABA 226071211 ATT 23 NEWKIRK PLA ZA BROOKLYN NY 11226 USA*RPFEDSEQ:B1Q8984C003160*T IME:1124*YR REF:TT84803513800016*MMB REF:138071035	450.00		
05/18/07	FUNDS TRANSFER OUTGOING FEE	30.00		11.94
05/22/07	SERVICE CHG* BASED ON \$330- AVAILABLE BALANCE. THE FOLLOWING BALANCES WERE INCLUDED BUT ARE BELOW THE REQUIREMENTS NECESSARY TO AVOID THIS CHARGE. THEY ARE: \$319.57- AVERAGE DEPOSIT BALANCE *- \$15.00 MAINTENANCE FEE	15.00		-3.06

## ITEMS PAID ON THIS STATEMENT:

## NUMBERED CHECKS:

#0655	.....300.00	#0656	.....510.00	#0658	.....51.00	#0659	.....40.00
#0660	.....33.00						

\* GAP IN PAID CHECK SEQUENCE

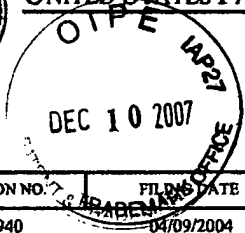
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60.00	15.00	76.70	66.00

0029508



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,940	04/09/2004	Roan Prince Branham		9705

7590  
Roan Branham  
1252 East 38th Street  
Brooklyn, NY 11210

03/09/2007

EXAMINER
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KIM, PAUL

ART UNIT	PAPER NUMBER
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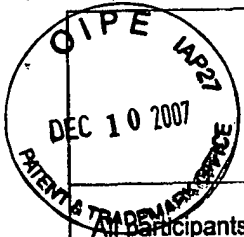
2161

MAIL DATE	DELIVERY MODE
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03/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



## Interview Summary

Application No. 10/820,940	Applicant(s) BRANHAM ET AL.	
Examiner Paul Kim	Art Unit 2161	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Paul Kim. (3) \_\_\_\_\_  
(2) Roen Branham. (4) \_\_\_\_\_

Date of Interview: 06 March 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*Handwritten notes:*  
Ampl  
Apr 10/12  
SPE, TC 2100

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Paul Kim  
Examiner's signature, if required

## Summary of Record of Interview Requirements

**Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews**

#### **Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### **37 CFR §1.2 Business to be transacted in writing.**

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### **Examiner to Check for Accuracy**

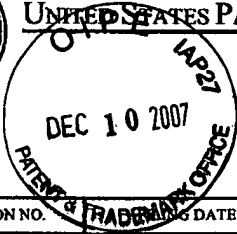
If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant Branham and Examiner Kim discussed Applicant's proposed amendments submitted on 1 February 2007. Examiner suggested certain structural changes to the independent claims (i.e. "A system and method") and other details changes necessary. Examiner Kim further recommended that Applicant further limit the proposed independent claim by moving up the necessary limitations found in the dependent claim. Applicant was advised that the proposed amendments would not likely overcome the prior art.



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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,940	04/09/2004	Roen Prince Branham		9705

7590 04/30/2007  
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EXAMINER
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KIM, PAUL

ART UNIT	PAPER NUMBER
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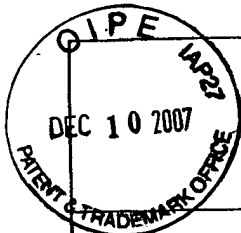
MAIL DATE	DELIVERY MODE
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04/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



## Interview Summary

Application No.

10/820,940

Applicant(s)

BRANHAM ET AL.

Examiner

Paul Kim

Art Unit

2161

All participants (applicant, applicant's representative, PTO personnel):

(1) Paul Kim.

(3) \_\_\_\_\_

(2) Roen Branham.

(4) \_\_\_\_\_

Date of Interview: 25 April 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 16-33.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant and Examiner discussed various aspects of the proposed claims. Examiner noted the optional nature of using the term "or" within the claims.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
APU MORIZ  
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required